

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD RANDALL,)
Petitioner,) Civil Action No. 05 - 1257
v.) Judge Terrence F. McVerry /
HARRY WILSON, THE DISTRICT) Magistrate Judge Lisa Pupo Lenihan
ATTORNEY OF THE COUNTY OF)
LYCOMING, COMMONWEALTH OF)
PA; and THE ATTORNEY GENERAL
OF THE STATE OF PENNSYLVANIA,

Respondents.

MEMORANDUM ORDER

The above captioned Petition was received by the Clerk of Court on September 9, 2005, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 18), filed on September 27, 2006, recommended that the Petition for Writ of Habeas Corpus be denied and that a certificate of appealability also be denied. Service was made on the Petitioner at S.C.I. Fayette, 50 Overlook Drive, LaBelle, PA 15450-0999, and on counsel of record for the Respondents. The parties were informed that in accordance with Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. No objections have been filed. After review of the pleadings and

the documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 2nd day of November, 2006;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is **DENIED**.

IT IS FURTHER ORDERED that certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No. 18) of Magistrate Judge Lenihan, dated September 27, 2006, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
U.S. Magistrate Judge

Richard James Randall, Jr.
EB - 4654
S.C.I. Fayette
50 Overlook Drive
LaBelle, PA 15450-0999